

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

No. 09-cv-1021 SMV/LAM

CHARLES R. KOKESH,

Defendant.

ORDER REGARDING DEFENDANT'S TRIAL EXHIBITS


THIS MATTER is before the Court on Plaintiff's Expedited Motion to Compel Defendant to Disclose his Trial Exhibit List and Objections to Plaintiff's Exhibit List, and Motion to Strike [Defendant's Exhibit List and Defendant's [Original] Objections to Plaintiff's Exhibit List] [Doc. 121], filed on September 19, 2014, and on Plaintiff's Objections to Defendant's Contested Exhibits [Doc. 115], filed on September 8, 2014. Plaintiff filed no response to the motion or to the objections. The Court heard oral argument at the pretrial conference on October 3, 2014. For the reasons stated on the record at the pretrial conference, the Court will exclude certain exhibits listed in Defendant's Exhibit List [Doc. 103].

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Expedited Motion . . . [Doc. 121] is **GRANTED IN PART** and **DENIED IN PART**, and Plaintiff's Objections to Defendant's Contested Exhibits [Doc. 115] are **SUSTAINED IN PART** and **OVERRULED IN PART**. Defendant may not admit at trial exhibit numbers 581, 582, 585,

586, 587, 588, 589, and 590, as outlined in his Exhibit List [Doc. 103]. However, the Court will not exclude exhibit 583 or 584¹ at this time.

IT IS FURTHER ORDERED that Plaintiff's request [Doc. 121] to strike Defendant's Exhibit List [Doc. 103] is **DENIED**, and that Plaintiff's request [Doc. 121] to strike Defendant's [Original] Objections to Plaintiff's Exhibit List [Doc. 111] is **DENIED as moot**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge
Presiding by Consent

¹ Plaintiff did not object to Defendant's Exhibit 584. [Doc. 115] at 3.